

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
FAFARD REAL ESTATE &)	
DEVELOPMENT CORP.)	
)	
Plaintiff,)	
)	
vs.)	NO. 04-11531-RGS
)	
)	
METRO-BOSTON BROADCASTING,)	
INC.,)	
)	
Defendant.)	
_____)	

**PLAINTIFF FAFARD REAL ESTATE & DEVELOPMENT CORP.'S RENEWED
MOTION FOR MEMORANDUM OF LIS PENDENS**

Pursuant to Massachusetts G.L. c. 184, § 15, the Plaintiff, Fafard Real Estate & Development Corp. ("Fafard") hereby renews its request that this Court approve and endorse the attached Memorandum of Lis Pendens relating to the property of the Defendant, Metro-Boston Broadcasting, located at Lots 6B, 12, and a portion (10 acres) of Lot 11, Ashland, in Middlesex County of Massachusetts, which land is shown on a plan of land recorded in the Middlesex Registry of Deeds as Plan # 16849 of 1981, and is more fully described in a Subdivision Plan of Land recorded with the Middlesex South Registry of Deeds in Book 936, Page 51.

On July 19, 2004, this Court denied Fafard's prior motion to endorse the proffered memorandum of lis pendens, without prejudice, and directed Fafard to show cause why the Metro-Boston's Special Motion to Dismiss should not be allowed. Fafard then filed an Opposition and the Affidavit of Janice Hannert in support of the same. On August 10, 2004, this Court ruled, in denying Metro-Boston's Special Motion to Dismiss that Fafard

had made “a sufficient showing that the litigation ‘affects real property or the use and occupation thereof’” pursuant to G.L. c. 184, § 15.

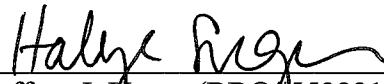
Massachusetts G.L. c. 184, §15 makes it clear that a memorandum of lis pendens shall be endorsed if “the subject matter of the action constitutes a claim of a right to title to real property or the use and occupation thereof or the buildings thereon.” In light of this Court’s prior ruling, Fafard has satisfied the legal requirements and G.L. c. 184 § 15 mandates that a lis pendens “shall issue.” In further support of this Renewed Motion, Fafard relies on its Verified Complaint and the Affidavit of Janice Hannert submitted in Opposition to Metro-Boston’s Special Motion to Dismiss.

WHEREFORE, for the foregoing reasons, Fafard requests that this Court endorse the Memorandum of Lis Pendens attached hereto as Exhibit A.

Respectfully submitted,

FAFARD REAL ESTATE &
DEVELOPMENT CORP.

By its attorneys,



Jeffrey J. Upton (BBO#552221)

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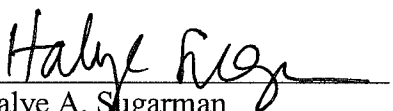
(617) 423-0400

DATED: August 17, 2004
412024

CERTIFICATE OF SERVICE

I, Halye A. Sugarman, certify that on August 17, 2004, I served a copy of the foregoing Renewed Motion for Memorandum of Lis Pendens, by hand on:

Kenneth Berman
Nutter McClennan & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110


Halye A. Sugarman